

**REMARKS**

Claims 1-10 and 14-17 are pending in this application. The Office Action rejects claim 17 under 35 U.S.C. §112, first paragraph; and rejects claims 1-10 and 14-17 under 35 U.S.C. §103(a). By this Amendment, claim 1 is amended. Support for this amendment may be found in the present specification at, for example, page 20, Table 1. No new matter is added.

The courtesies extended to Applicant's representative by Examiner Heincer at the interview held January 5, 2009, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicant's record of the interview.

**I. Rejection under 35 U.S.C. §112, first paragraph**

Claim 17 is rejected under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the written description requirement. In the Advisory Action mailed November 19, 2008, it was stated that "the rejection of claim 17 under 35 U.S.C. §112, first paragraph has been withdrawn."

Accordingly, the rejection is moot.

**II. Rejections under 35 U.S.C. §103(a)**

The Office action rejects claims 1-6 and 17 under 35 U.S.C. §103(a) over U.S. Patent No. 4,853,454 to Merger et al. ("Merger") in view of U.S. Patent No. 5,010,161 to Aoki et al. ("Aoki"); rejects claim 7 under 35 U.S.C. §103(a) over Merger in view of Aoki; rejects claims 14 and 16 under 35 U.S.C. §103(a) over Merger in view of Aoki; rejects claims 8 and 9 under 35 U.S.C. §103(a) over Merger in view of Aoki and further in view of U.S. Patent No. 3,935,274 to Jacobsen et al. ("Jacobsen"); rejects claim 10 over Merger in view of Aoki and further in view of U.S. Patent No. 3,835,191 to Wagner et al. ("Wagner"); and rejects claim 15 over Merger in view of Aoki and further in view of JP 07025976 ("JP '976"). Applicant

respectfully traverses the rejections. Because the rejections are related, they are addressed together herein.

Applicants respectfully submit that the applied references would not have rendered obvious the presently claimed invention, at least because the presently claimed invention displays highly *unexpected results* with respect to the *critical range* of R<sup>1</sup> being "a linear or branched alkyl chain having 11 to 30 carbon atoms."

The Office Action alleges that Aoki teaches a molecule equivalent to the presently claimed formula B, wherein the alleged equivalent to the presently claimed R<sup>1</sup> group (R<sup>6</sup> in Aoki) can be an alkyl group having less than 16 carbon atoms. See the Office Action at page 3, and Aoki at formula IV and column 3, lines 34-35. In the Advisory Action mailed November 19, 2008, it was stated that "Aoki et al. teaches a range that overlaps with the claimed range (3:32-39). In the case where the claimed ranges 'overlap or lie inside ranges disclosed by the prior art' a prima facie case of obviousness exists."

However, under MPEP 2144.05(III), "Applicants can rebut a prima facie case of obviousness based on overlapping ranges by showing the *criticality* of the claimed range. 'The law is replete with cases in which the difference between the claimed invention and the prior art is some range or other variable within the claims. . . . In such a situation, the applicant must show that the particular range is critical, generally by showing that the claimed range achieves *unexpected results* relative to the prior art range.' *In re Woodruff*, 919 F.2d 1575, 16 USPQ2d 1934 (Fed. Cir. 1990)," emphasis added.

In the presently claimed invention, the range of 11 to 30 carbon atoms in the alkyl chain achieves highly *unexpected results* of providing polyaldimines that are odorless, as compared to the compounds of, for example, Aoki. See the present specification at, for example, page 3, lines 10-14; page 4, lines 23-25; and page 20, Table 1. The unexpected odorless nature of the compounds falling within this range provides superior properties in

that they avoid causing "headaches, nausea or other health problems." See the present specification at page 1, lines 23-28.

In contrast, the comparative examples shown in Table 1, on page 20 of the present specification, do not achieve these unexpected results. The comparative examples fall within the range taught by Aoki, but are outside of the presently claimed range. Specifically, the comparative examples use an alkyl chain having, for example, 3 carbon atoms (i.e. propanal). See the present specification at page 19, lines 21-28. Accordingly, the presently claimed range is critical because the unexpected results are *only* achieved within the presently claimed range.

To further emphasize and clarify this point, independent claim 1 is amended to recite "wherein the polyaldimine is odorless."

Therefore, the presently claimed range would not have been obvious over Aoki for at least the reasons discussed above. Furthermore, none of the other applied references cure this deficiency. The Office Action admits that Merger does not teach the compound having formula B, and the secondary references are applied by the Office Action merely with regard to various features of dependant claims 2-10 and 14-17. Therefore, Merger, Aoki, Jacobsen, Wagner and JP '976, individually or in combination, fail to teach or suggest each and every feature of claim 1.

Accordingly, independent claim 1 would not have been obvious over the applied references for at least the reasons discussed above. Dependent claims 2-10 and 14-27 therefore also would not have been obvious for at least the reason that independent claim 1 would not have been obvious.


Reconsideration and withdrawal of the rejection are respectfully requested.

**III. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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